

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, September 28, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson introduced new County Executive Officer, Thomas G. Mauk

Chairman Wilson presented a resolution commending Walter Krause on his retirement

Chairman Wilson presented a resolution recognizing October 2004 as "Arts and Humanities Month"

Chairman Wilson presented a resolution proclaiming October 4-9, 2004 as "Lawsuit Abuse Awareness Week"

Chairman Wilson presented a resolution proclaiming October 11-17, 2004 as "Binational Health Week"

II. CONSENT CALENDAR (Items 1-38)

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 24 WHICH WAS
CONTINUED TO 10/19/04, 9:30 A.M.; AND ITEMS 14, 29, 34, & 37 WHICH WERE
PULLED FOR DISCUSSION AND SEPARATE VOTE**

S U M M A R Y A C T I O N M I N U T E S

DEPARTMENT APPOINTMENTS

1. **Health Care Agency** - Alcohol & Drug Advisory Board and Local Suppression of Drug Abuse in Schools Advisory Committee - Appoint Mack Jenkins, Santa Ana, for term ending 11/16/07 and Chief John A. Walter, Anaheim, to complete term ending 3/6/05 - All Districts

COMMENDATIONS/PROCLAMATIONS

Chairman Wilson:

2. Adopt resolution proclaiming October 11-17, 2004 as "Binational Health Week"
RESO: 04-261
3. Adopt resolution congratulating Lieutenant LeRoy Shorten on his retirement from the California Highway Patrol
RESO: 04-262
4. Adopt resolution recognizing Newport Mesa Unified School District for their successful work with youth of Orange County
RESO: 04-263
5. Adopt resolution congratulating Alan Slater upon being named the "I-CAN! Innovator of the Year" by Legal Aid Society of Orange County
RESO: 04-264
6. **Supervisor Campbell** - Adopt resolution commending Fred Smoller, Ph.D. for his 6 years of volunteer service
RESO: 04-265

Supervisor Smith:

7. Adopt resolution commending Orange County Planning Commissioner Ben Nielsen on his retirement
RESO: 04-266
8. Adopt resolution proclaiming October 9, 2004 as "Columbus Day Civic Program in Orange County" and commending Orange County American Italian Renaissance Foundation for their contributions to the community
RESO: 04-267

HEALTH CARE AGENCY

9. Approve Clinical Site agreement with California State University, Dominguez Hills for clinical training services, 10/1/04 - 9/30/09 - All Districts
10. Approve grant agreement with State Department of Alcohol and Drug Programs for Drug Court Partnership Act of 2002, Year Three Grant funds, 7/1/04 - 6/30/05 (\$425,175) - All Districts

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HOUSING AND COMMUNITY SERVICES DEPARTMENT

11. Approve price agreement S1000000288 with Happy Software, Inc. for replacement of Section Eight Rental Assistance computer system (\$132,555) - All Districts
12. Approve agreement with Anaheim for Orange County National Emergency Grant Project, 7/1/04 - 3/31/05 (\$56,000); and authorize Director or designee to extend agreement; and execute subsequent amendments under certain conditions - Districts 3 & 4
13. Approve Corrective Action and Technical Assistance Plan for Adult Earnings Change Performance Measure, PY 2002-03 - All Districts

JOHN WAYNE AIRPORT

14. Approve termination of emergency action on 3/9/04 for construction of new passenger security lanes; authorize Director to expend additional funds (\$3,379,297; new total \$7,379,297); and make California Environmental Quality Act findings - All Districts (Continued from 3/9/04, Item 46; 3/23/04, Item 10; 3/30/04, Item 13; 4/20/04, Item 12; 5/4/04, Item 6; 5/18/04, Item 10; 5/25/04, Item 19; 6/8/04, Item 16; 6/22/04, Item 5; 6/30/04, Item 5; 7/20/04, Item 13; 8/3/04, Item 9; 8/17/04, Item 11; 8/24/04, Item 8; 9/14/04, Item 17)
- 23145 **APPROVED AS RECOMMENDED**

ORANGE COUNTY PUBLIC LIBRARY

15. Approve amended agreement with Capistrano Unified School District for construction and use of joint-use library facility, Ladera Ranch area, 9/13/03 - 9/28/04 (\$25,000) - District 5
16. Approve lease with Capistrano Unified School District for operation of joint-use library, Ladera Ranch, 9/13/03 - 5/19/05; and make California Environmental Quality Act and other findings - District 5
17. Approve price agreement F1000002070 with ProQuest Information and Learning for purchase of serials on microfilm, reference books and database access, 10/1/04 - 9/30/05 (\$65,000); renewable for four additional years (\$65,000 each year) - All Districts
18. Approve price agreement N1000006142 with Shenikka Barnes for learner support services, 10/15/04 - 10/14/05 (\$36,400); renewable for two additional years (\$37,856 second year and \$39,000 third year) - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

19. Authorize release of security for street improvements, traffic signal modification and monumentation, Parcel Map 2000-160, The Irvine Company, Newport Coast area - District 5
20. Rescind prior Board action on April 27, 2004 awarding contract to ASSI Security, Inc.; reject bid of ASSI Security, Inc. for non-compliance; approve price agreement N1000006064 with Access Security Controls Intl., Inc. for card access support services, 10/1/04 - 9/30/05 (\$50,000); renewable for two additional years - All Districts

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- 21 . Adopt resolution to publish Notice of Intent to purchase real property from Union Pacific Railroad Company for 1.12 acres adjacent to Tustin Branch Trail; and set public hearing for 11/9/04, 9:30 a.m. to consider purchase - District 3
RESO: 04-268
- 22 . Authorize release of security for monumentation, Tract 15360, Irvine Community Development Company, Newport Coast area - District 5
- 23 . Find P.A. Engineering, Inc. in default of its contract for Route 55 Landscaping between the 22 Connector and the 17th Street Interchange; and terminate performance and tender completion of contract to The Explorer Insurance Company - Districts 1 and 3
- 24 . Deny bid of Farhat Construction and re-set bid opening for 11/3/04, 2:00 p.m., for new restroom building, Carbon Canyon Regional Park, Brea - District 3
31245 **CONTINUED TO 10/19/04, 9:30 A.M.**
- 25 . Approve leases with Laguna Beach County Water District for use of land for park purposes, Laguna Wilderness Park, term ending 2/28/47; and make California Environmental Quality Act and other findings - District 5
- 26 . Approve amended agreement D01-093 with Ocean Institute to re-allocate work plan and budget, extending term to 6/30/05 (\$34,000) - District 5
- 27 . **Acting as the Board of Supervisors / Orange County Flood Control District and OCDA -**
Adopt Negative Declaration IP03-411 and Mitigation Monitoring and Reporting Program; approve plans and specifications and set bid opening for 10/20/04, 2:00 p.m., for construction of Munger Storm Drain Media Filter, Lake Forest; and make California Environmental Quality Act findings - District 5

SOCIAL SERVICES AGENCY

- 28 . Approve agreement CVC2704 with Family Support Network for Wraparound Orange County Support services, 10/1/04 - 6/30/05 (\$57,175); and authorize Director or designee to extend agreement under certain conditions - All Districts
- 29 . Authorize acceptance of grant funds from Federal Office of Refugee Resettlement, FFY 2004 (\$238,690); approve agreement RMZ0304 with The Cambodian Family for County administration of Building The Future project for services to refugees, 9/30/04 - 9/29/05 (\$258,336); and authorize Director or designee to extend agreement under certain conditions - All Districts
41235 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

- 30 . Approve price agreement N3000004673 with C.M. Tipton Polygraph & Associates for provision of polygraph examination services for adult sex offenders, 10/1/04 - 9/30/05 (\$150,000) - All Districts

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31. Adopt resolution approving grant award agreement BDC 224-04 with State Board of Corrections for Challenge Activities Program, West Youth and Family Resource Center, 7/1/04 - 6/30/05 (\$143,042); authorize Chief Probation Officer to execute subsequent amendments under certain conditions; and make California Environmental Quality Act findings - All Districts
RESO: 04-269

Sheriff-Coroner:

32. Approve rental agreement with Aliso Viejo Self Storage Company for rental of storage space, Aliso Viejo (\$305 per month); authorize Sheriff-Coroner or designee to execute related documents; and make California Environmental Quality Act and other findings - District 5
33. Approve price agreement N1000005988 with Siemens Building Technologies, Inc., for maintenance, certification, and full parts coverage of forensic laboratory energy management system/fume hoods hardware and software, 9/28/04 - 9/27/07 (\$24,492 first year; \$25,224 second year; and \$25,980 third year) - All Districts

GENERAL ADMINISTRATION

County Executive Office:

34. Receive and file External Restructuring Report for the County of Orange - All Districts
32145 **APPROVED WITH CORRECTION TO REPORT THAT FULLERTON'S ANNEXATION OF PAGE AND SOMMERSET ISLANDS WAS APPROVED BY LAFCO ON 9/5/04.**
35. Approve proposed response to FY 2003-04 Grand Jury Report "The Orange County Animal Shelter - Are Improvements Needed?" - All Districts

Registrar of Voters:

36. Receive and file certification of election results of August 31, 2004 Special Bond Election, Irvine Ranch Water District - Districts 1, 2, 3 & 5
37. Approve price agreement F1000002195 with Hart InterCivic for electronic voting system repair and maintenance, two year term (\$150,000); renewable for one additional two year term; and authorize Purchasing Agent to execute amendments under certain conditions - All Districts
13245 **APPROVED AS RECOMMENDED**
38. Approve purchase order PC031P00001530 with Katek Solutions for Kodak i830 High Speed Scanner and Base Unit (\$70,126.93) - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 39-59)

HEALTH CARE AGENCY

- 39 . Approve amended master agreement with various providers for Adult Mental Health Inpatient services, 7/1/04 - 6/30/05 (\$345,531; new total \$575,531); authorize Director or designee to execute individual agreements; and approve amendment 2 to agreement with Orange County Association for Mental Health dba Mental Health Association of Orange County for Multi-Service Center services, 10/1/04 - 6/30/05 (\$100,386; new total \$885,758) - All Districts
12345 **APPROVED AS RECOMMENDED**

- 40 . Approve amendment 3 to agreement with The Regents of the University of California for HIV Infectious Disease and Specialty Medical Care services, 3/1/03- 2/28/05 (\$243,803; new total \$1,220,686) - All Districts
31245 **APPROVED AS RECOMMENDED**

- 41 . Approve amended agreement with A.S. Foundation/Orange County for HIV Housing services, 7/1/04 - 6/30/05 (\$62,000; new total \$594,500) - All Districts
13245 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

- 42 . Approve amendment 4 to agreement with Saint Jude Medical Center-Orange Caregiver Resource Center for providing Family Caregiver Support Program services (\$616,959; new total \$779,833), extending term to 6/30/05 - All Districts
13245 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

- 43 . Approve amended agreement with JWA Yellow Cab for taxicab service, extending term to 11/30/06; and make California Environmental Quality Act findings - District 2
23145 **APPROVED AS RECOMMENDED**
- 44 . Select JCDecaux Airport, Inc. as primary and F/F/E Displays Services, Inc. as alternate firms for advertising concession operation lease; and make California Environmental Quality Act and other findings - District 2
24135 **APPROVED AS RECOMMENDED**
- 45 . Authorize submission of Passenger Facility Charge application with Federal Aviation Administration for reimbursement and funding of projects; and make California Environmental Quality Act findings - District 2
B.O. **CONTINUED TO 11/9/04, 9:30 A.M.**

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- 46 . Approve agreement with U.S. Army Corps of Engineers for San Juan Creek Watershed Spin-off Study; and make California Environmental Quality Act findings - District 5
51234 **APPROVED AS RECOMMENDED**

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SOCIAL SERVICES AGENCY

- 47 . Approve California Child and Family Services Review, System Improvement Plan; authorize submission to State Department of Social Services - All Districts
23145 **APPROVED AS RECOMMENDED**
- 48 . Authorize acceptance of grant funds for various refugee services (\$852,945); approve agreement with Catholic Charities of Orange County, Inc., Saint Anselm's Cross-Cultural Community Center and The Cambodian Family for provision of Refugee Employment Social Services, 10/1/04 - 9/30/05 (\$745,104); and authorize Director or designee to extend agreement under certain conditions - All Districts
12345 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

- 49 . Approve agreement with Aspen Community Services for provision of comprehensive employment services for North Orange County Youth and Family Resource Center, 10/1/04 - 9/30/05 (\$222,485); renewable for one additional year (\$228,411); and make California Environmental Quality Act findings - District 4
43125 **APPROVED AS RECOMMENDED**
- 50 . Approve agreement with Community Service Programs, Inc., for provision of community resource collaborative services for North Orange County Youth and Family Resource Center, 10/1/04 - 9/30/05 (\$228,082); renewable for one additional year (\$235,643); and make California Environmental Quality Act findings - District 4
41235 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

- 51 . **Chairman Wilson** - Discussion regarding Orange County's continued membership in California State Association of Counties (CSAC)
12345 **APPROVED MOTION DIRECTING CEO TO CONTINUE COUNTY MEMBERSHIP WITH CSAC**

County Executive Office:

- 52 . **Acting as the In-Home Supportive Services Public Authority** - Approve amended memorandum of understanding for extension of funding and provisions for certain represented employees of the In-Home Supportive Services (IHSS) Public Authority: United Domestic Workers of America (UDWA), NUHHCE, AFSCME, AFL-CIO, FY 2003-2004 - All Districts
31245 **APPROVED AS RECOMMENDED**
- 53 . Approve extension to Board policies relative to contract overruns, effective date from 10/1/04 to 1/3/05 and exemptions to those policies for contracts and contract modifications/amendments under \$500, contracts and contract modifications/amendments resulting from Telephone Services Requests, and contract modifications for hardware maintenance, software licensing, and software upgrades - All Districts
15234 **APPROVED AS RECOMMENDED**

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- 54 . Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
DISCUSSED
- 55 . Approve amendment 3 to price agreement Y2000000535 with IBM Corporation for maintenance system software to provide operational and programming functions, 7/1/04 - 6/30/05 (\$427,874; new total \$1,021,645); renewable for one additional year (\$1,164,269) - All Districts
13245 **APPROVED AS RECOMMENDED**
- 56 . **Supervisor Campbell** - Receive and file Tenth Annual Report on Conditions of Children in Orange County 2004 - All Districts
32145 **RECEIVED AND FILED**
- Registrar of Voters:**
- 57 . Receive and file Monthly Status Report regarding preparations for November General Election - All Districts
21345 **RECEIVED AND FILED**
- 58 . Accept Help America Vote Act, Title III funds for Voter Education and Outreach (\$1,000,000); authorize Purchasing Agent to purchase related equipment and services; and approve amendment 5 to price agreement Y1000000711 with Maximus, Inc. for eSlate Demonstration Units, convertible to Disabled Access Units (\$750,000; new total \$28,257,492) - All Districts
14235 **APPROVED AS RECOMMENDED**
- S58A . **Supervisor Campbell and Resources and Development Management Department** - Adopt a resolution authorizing Director to execute agreement D04-056 with Orange County Conservation Corps for Carbon Canyon Regional Park Arundo removal project funded by Santa Ana Watershed Project Authority; and make California Environmental Quality Act findings
32145 **APPROVED AS RECOMMENDED**
RESO: 04-272
- 59 . **County Executive Office** - Discussion of Financial Report pursuant to Election Code Section 9111 relating to Proposed "Guaranteed Fire Protection and Firefighter Safety Funding" Initiative - All Districts
31245 **APPROVED AS RECOMMENDED WITH REVISION TO R.A. #2 TO SHOW OFFICIAL TITLE OF INITIATIVE, "INITIATIVE REALLOCATING A PORTION OF COUNTY'S PROPOSITION 172 FUNDS FROM THE COUNTY SHERIFF-CORONER AND DISTRICT ATTORNEY TO THE ORANGE COUNTY FIRE AUTHORITY"**

IV. PUBLIC HEARINGS (None)

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V. CLOSED SESSION

GENERAL ADMINISTRATION

SCS1. **County Executive Office - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:**
Agency Negotiator: Susan Paul
Employee Organizations: Association of Orange County Deputy Sheriffs, Orange County Managers Association, United Domestic Workers of America, American Federation of State, County and Municipal Employees (AFSCME), NUHHCE, AFL-CIO

B.O. **HELD, NO REPORTABLE ACTION**

SCS2. **County Counsel - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b):**
Number of Cases: One Case

B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Bruce Broadwater - Oral Re: Proposal for a committee to study recent approval of enhanced pension plan, County programs and staffing levels.

Darrell Nolta - Oral Re: Supervisor Smith's proposal to use Canadian pharmacies for County health plans

BOARD COMMENTS:

Supervisor Smith - Oral Re: Pilot program for use of Canadian pharmacies for County health plans

ADJOURNED: 2:30 P.M.

35124 **Adjourned in memory of Dave Elbaum**

35124 **Adjourned in memory of Randy Brownfield**

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*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board